

**UNITED STATES DISTRICT COURT  
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1  
Eastern Division**

CAO Group, Inc.

Plaintiff,

v.

Case No.:

1:24-cv-01211

Honorable Thomas

M. Durkin

The Individuals, Corporations, Limited Liability  
Companies, Partnerships, and Unincorporated  
Associates Identified on Schedule A, et al.

Defendant.

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**NOTIFICATION OF DOCKET ENTRY**

This docket entry was made by the Clerk on Friday, June 14, 2024:

MINUTE entry before the Honorable Thomas M. Durkin: Defendant zhuhai jiashu dianzishangwu youxiangongsi d/b/a GD–Whitening moves to dismiss on two grounds. R. [56]. First, GD–Whitening argues that Count IV of the Amended Complaint seeking unjust enrichment should be dismissed because it is preempted by federal patent law. Id. at 4. Plaintiff concedes this point. R. 81 at 1. GD–Whitening's motion to dismiss is thus granted as to Count IV. Second, GD–Whitening argues improper joinder under 35 U.S.C. § 299. R. 56 at 6. Consistent with this Court's ruling in *Tang*, the Court finds that joinder is improper as to GD–Whitening. See *Tang v. Partnerships & Unincorporated Associations Identified on Schedule A*, 2024 WL 68332, at \*3 (N.D. Ill. Jan. 4, 2024) (citations omitted) (finding that the appearing defendants were improperly joined under 35 U.S.C. § 299 because "[the] case [did] not involve a swarm of counterfeiters passing off their products as those of a single plaintiff... [but rather,] it involve[d] multiple sellers of the exact same type of product allegedly infringing on one seller's... patent."). Though in *Tang*, the Court dismissed the appearing defendants, the Court notes that severance is a proper remedy for misjoinder under Rule 21. Fed. R. Civ. P. 21; see also R. 93 at 5 (GD–Whitening's reply brief). Thus, GD–Whitening's motion to dismiss is denied as to Counts I, II, and III, and Plaintiff's claims against GD–Whitening are severed. The Clerk of Court is directed to open a new case as to GD–Whitening, related to this case and assigned to Judge Durkin. In this original action, Plaintiff shall file an Amended Complaint within seven days that removes GD–Whitening as a defendant and that drops Count IV as to all remaining defendants. In the severed case against GD–Whitening, Plaintiff shall file an Amended Complaint within seven days that names GD–Whitening as the sole defendant and that drops Count IV. Within fourteen days, Plaintiff and GD–Whitening shall submit a joint status report setting forth proposed dates for discovery. Mailed notice. (ecw, )

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